

REMARKS

Reconsideration of the application in light of the amendments and the following remarks is respectfully requested.

Status of the Claims

Claims 1, 2, 4-6, 8-11, 13-15 and 17 are pending. Claims 3, 7, 12 and 16 have been cancelled in a prior response. Claim 9 has been amended. No new matter has been added.

Applicants appreciatively acknowledge the Examiner's indication of allowable subject matter in claims 1, 2, 5, 6, 10, 11, 14 and 15.

Rejection Under 35 U.S.C. § 103

Claims 4, 8-9, 13 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,642,239 to Nagai in view of U.S. Patent No. 6,055,025 to Shahraray.

The Examiner contends that Nagai discloses most of the features of independent claims 4, 13 and 17. The Examiner acknowledges that Nagai does not disclose "retrieving scene changes detected by the scene change judging portion." (Detailed Action, page 2, item 3.) However, the Examiner cites Shahraray, column 8, lines 49-56, as disclosing the features of the claimed invention missing from Nagai. The Examiner states that it would have been obvious for a person of ordinary skill in the art at the time of the invention to have combined Nagai and Shahraray to achieve the invention of claims 4, 8-9, 13 and 17.

Shahraray discloses that "the existence of two states corresponding to stable scene intervals and transition intervals allows the method to distinguish between the beginning and end of scene transition. This allows the use of independent conditions for the transition between the two states, . . . and enables the method of the invention to detect and reject false scene changes usually from flash photography." (Shahraray, column 8, lines 49-56.) Shahraray is directed to scene transitions and clearly discloses a method of detecting the beginning and end of a scene transition.

In contrast, independent claim 4 recites a scene change interval retrieving portion that retrieves scene changes “that exist at a start point and an end point of a specified particular interval among scene changes.” Independent claims 13 and 17 are directed at methods that recite similar language. The “specified particular interval” is not disclosed, nor suggested, by Nagai and Shahraray. This interval is a predetermined interval on the time base from scene change to a target scene. In terms of a start point and an end point of the specified particular interval, the claimed invention is able to extract only commercial break parts from a large number of images obtained from television broadcasting, etc. or extract news or program content that has a fixed broadcasting hour. In contrast, Nagai and Shahraray discloses, or suggests, scene changes caused by particular splice methods.

Claim 9 has been amended to recite “judging an image structure of an inputted compressed moving-picture to generate a judgment result.” The invention claims concrete processes that are performed when both field structure images and frame structure images exist.

Claim 8 depends from claim 4, and recites the features of claim 4 as if set forth therein in their entirety. Applicants submit the Nagai and Shahraray neither discloses nor suggests the claimed invention of claims 4, 8-9, 13 and 17. Therefore, the Examiner has failed to meet the burden of establishing a *prima facie* case of obviousness. Withdrawal and reconsideration of the rejection is requested.

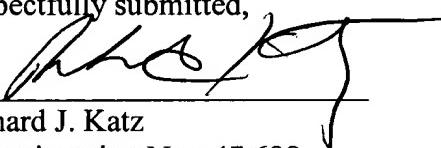
CONCLUSION

Each and every point raised in the Office Action dated February 22, 2005 has been addressed on the basis of the above amendments and remarks. In view of the foregoing it is believed that claims 1, 2, 4-6, 8-11, 13-15 and 17 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: May 23, 2005

Respectfully submitted,

By 
Richard J. Katz

Registration No.: 47,698
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant